

## **REMARKS**

Reconsideration of the application is respectfully requested. Applicant has attempted to address every ground for rejection in the Office Action dated November 5, 2003, and believes that the claims as amended are in allowable form.

Claims 14 and 16 were rejected under 35 U.S.C. §112, first paragraph. Claims 14 and 16 have been cancelled.

Claims 1-3 were rejected under 35 U.S.C. 103(a) 102(b) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games. Independent claim 1 has been amended and applicant respectfully submits that claim 1, in view of the amendments and the following remarks, is in condition for allowance. Further, claims 2-3 depend from and contain all the limitations of claim 1, therefore, applicant respectfully submits that claims 2-3 are in condition for allowance.

Hoyle, at pages 338-39, discusses the game of Klondike or "traditional solitaire". In traditional solitaire the player alternates red and black suits in the intermediate area of play, which is sometimes called the Tableau or the Field. The alternation of red and black suits controls card combinations in that area, so that odd-numbered cards in a group of the suits (hearts and diamonds, for example) alternate with even numbered cards in the other group of suits (spades and clubs, for example). Furthermore, it is well known that during game play many of the cards are face down during game play and not continuously visible and readable to the player during the duration of game play. If a card is not visible and readable during game play because the face of the card is intentionally hidden the player does not know what suit or what number the card consists of. As such, a player relies significantly on his or her luck or guesswork to win the game.

The present invention, on the other hand, requires that the player play the game based on preliminarily skill rather than luck or guesswork. The present invention provides for the continuous visibility and readability of all the game pieces and their corresponding elements throughout the entire duration of game play. Amended claim 1 provides that the game pieces and their indicia are continuously visible and readable during the entire duration of game play. Further, the third indicia described in the application are required, in one or more embodiments, to make it practical for the player to see all the possible combinations for the pieces. The third indicia, specialized for solitaire play of the current invention, help the player to see the possible combinations more easily than the red and black markings on the cards used in traditional solitaire. Unlike the red and black indicia of traditional playing cards, these novel indicia are not associated with one suit or another. Instead, they are distributed among the groups ordered according to their first indicia on alternating odd - and even-numbered game elements. When the player matches these indicia in the Field area, game element combinations are controlled similarly as in traditional solitaire, but with better visibility which dramatically affects game play by requiring more logic skills rather than relying heavily on luck. Therefore, applicant respectfully submits that amended claim 1 is not unpatentable over Hoyle because Hoyle does not teach that all of the game pieces are continually visible and readable during game play and because Hoyle does not teach that the third indicia is distributed among each group ordered by the first indicia. In view of the above remarks applicant respectfully requests allowance of amended claim 1 and dependent claims 2-3.

Claims 1-3 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games and claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games in view of Chernowski, Jr.

As discussed above, Hoyle the primary reference does not teach that all of the game pieces and their markings are continuously visible and readable during the entire duration of game play and does not teach of the third indicia on the game pieces as discussed in the present application and amended claims. In view of the above remarks, applicant respectfully requests allowance of amended claim 1 and dependent claims 2-4.

Claims 18-20 have been cancelled. Claim 21 has been added. With regard to claims 11-13, 15 and 17 the examiner has not stated any reasons for rejection in the office action dated November 24, 2003, as such, applicant respectfully requests allowance of these claims.

With regard to the art made of record by the Examiner in the Office Action dated November 24, 2003 but not relied upon, the art has been reviewed and is believed not to anticipate or render obvious any claims in the application.

Applicant respectfully submits that the present application, in light of the amendments and the remarks, is in a condition for allowance, and such action is earnestly solicited. Should the Examiner determine that there are outstanding issues which may be readily resolved through a telephone interview, the Examiner is invited to contact applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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